

## **Temple ISD - 1st graders forced to do more than 100 pushups as punishment in a music class**

### **Grievance with Temple ISD**

This narrative has been prepared by Paul and Alana Duckworth on behalf of our Daughter, Cassidy J. Duckworth in response to events that occurred at Kennedy-Powell Elementary School in Temple, TX on November 09, 2007. This narrative is intended to serve as our Formal Grievance against the Temple Independent School District. We can be reached for comment at 254-541-7259.

On the afternoon of November 09, 2007, as is customary we arrived at Kennedy-Powell Elementary to pick up 3 of our children who are currently enrolled at the aforementioned school. Upon arrival at the school, I had an opportunity to visit with the Vice-Principal, Ms. Keira Quam, regarding traffic issues I had previously brought to the school's attention as we waited in line. Once the bell had rung and the students had been dismissed to wait outside, we proceeded to wait in line until we reached a point where our children were waiting at the curb along with our 1st grade daughter's teacher, Mrs. Mayra Bolivar. Mrs. Bolivar helped the children into our vehicle and proceeded to tell us that our daughter, Cassidy, had received a yellow discipline in her folder that day. According to Mrs. Bolivar, the entire class had been written up in Music class and that she was sure that Cassidy was not involved. This is the only time our daughter has received any discipline notice in the 1-½ years she has attended the school. As other parents were waiting behind us in line, we did not pursue the conversation further.

As we left the school, without prompt our daughter began to tell us what had happened that day. Our daughter went on to describe the following events of what she described as being "the worst day ever." She immediately began to tell us that her arms hurt, her hands hurt and were still red, and her toes hurt because she had to do over 100 pushups in Music class because another child was talking. Her exact words were "Daddy, I stopped counting at 105 because my arms were wobbling and my hands were turning red." Our daughter indicated that the Music teacher, Dr. Cecilia Hudgens, had yelled at the class to be quite and told one child to be quite or she would get the whole class in trouble. Within a short period of time the girl spoke out again and Dr. Hudgens immediately demanded that the children drop and do pushups until the end of class. At this point, the teacher turned off a video that the students had started to watch. When asked about how long the class had watched the video, our daughter made a bodily gesture (we interpreted the gesture to be some type of exercise movement – possibly a jumping jack) and froze in place. Her description indicated that the video had been started at the beginning of class and lasted less than a minute before the punishment was administered.

According to our daughter, Mr. Timothy Lightfoot, the Music Instructional Assistant, entered the room shortly after the pushups ensued. Shortly after Mr. Lightfoot's arrival, one of the students from Mrs. Jones class informed Mr. Lightfoot that she, the student, had already done over 100 pushups and asked how many more pushups they were required to do. Mr. Lightfoot approached Dr. Hudgens, who at this point was not directly

supervising the class but rather in a closet in the classroom with her back turned to the class. Mr. Lightfoot asked Dr. Hudgens how many pushups they had to do. Dr. Hudgens responded by saying "I didn't give them a number, I said to keep doing pushups until the end of class." Mr. Lightfoot relayed the response to the classroom and told them to keep doing more pushups. Based on conversations with our daughter, Mr. Lightfoot made no attempt to stop the punishment, but rather enforced the punishment by standing over the children, watching them until the end of class. According to our daughter, Dr. Hudgens stayed in the closet until the end of class. At the end of class, Mr. Lightfoot instructed the class to get in line at which time Dr. Hudgens walked out of the closet and told the child who had caused the initial disruption to stay behind and do additional pushups.

Upon hearing this account, I immediately called the school and asked to speak with the Principal, Ms. Melissa Harper, or the Vice-Principal, Ms. Keira Quam. I was referred to Ms. Quam. As I indicated, I had already spoken with Ms. Quam regarding traffic issues that day. I told Ms. Quam that it seemed as if the only time they heard from me was when there was a problem and that this contact was no different. I relayed the information that had been provided by my daughter to Ms. Quam and requested that the school investigate the incident and provide me with an explanation and clarification of the events of that day. Ms. Quam told me that Ms. Harper was not available; I believe she indicated that she was in Dallas for a school-related function, but that she would send her an email to make her aware of my request for an inquiry into the incident and a clarification of the events that transpired. Ms. Quam told me that since it was late in the afternoon that it was unlikely that anything could be done at the time. I was asked to give the school time to investigate the incident and was told that I would be notified once the Vice-Principal and the Principal were able make a determination as to the circumstances that led to the incident. I did not get a response from either Ms. Quam or Ms. Harper the following week, November 12-16. The following week was cut short due to the Thanksgiving Holiday and I still did not receive a response from either Ms. Quam or Ms. Harper on the days that the school was open, November 19-21. We did however receive a notice from the school in our children's take-home folders that indicated that the Music Instructor, Dr. Cecilia Hudgens, was not in compliance with the teacher certification requirements created by the No Child Left Behind Act. According to the letter, Dr. Hudgens did not meet the requirements of a "Highly Qualified" teacher and the issue was being addressed.

On the afternoon of November 26, I arrived at Kennedy-Powell to pick up our children. My intention was to park and go into the school to attempt to get a response to my previous request for clarification. I noticed that Ms. Quam was outside the school directing traffic and decided to speak with her while in line rather than going inside the school. I told Ms. Quam that it had been a week and a half since I notified her of the incident and as of yet I had not received any response from the school. She deferred the issue to Ms. Harper and stated that she would need to have Ms. Harper contact me. I picked up my children and drove to pick up my oldest daughter at Lamar Middle School.

Shortly after picking up my daughter, I received a phone call from the Principal, Ms. Melissa Harper. I made an attempt to inform her of the incident and my subsequent attempt to notify the school and my request for clarification. I was greeted with what I

perceived to be a dismissive attitude and a lack of concern about my account of the incident. I asked why it was taking so long to receive a response from the school to which Ms. Harper replied that she had misunderstood my request. She stated that she thought I had only called and talked to Ms. Quam in a manner that was described as a mere passing along of FYI. She indicated that she did not receive any indication that I expected a response or clarification. Although I did not appreciate the lack of concern that was expressed by Ms. Harper, I continued to explore the conversation. I again requested clarification as to the circumstances that day and was told, "It is all a misunderstanding on your part." Ms. Harper explained that she had talked with the adults (notice the use of the plural form) who were present and the incident was nothing like what my daughter described. Ms. Harper said that no disciplinary measures were taken that day. Her explanation was that the school was simply responding to a state mandate that requires a certain number of "activity minutes" each week. According to Ms. Harper, it is not uncommon for the school to implement an activity outside of Physical Education class in order to meet state requirements. She referred to the incident in question as a "movement activity" and was satisfied that this was the only explanation that was required. I made a further attempt to address the issue of discipline and inquired as to the reason the entire class had received a yellow discipline notice based on the conduct of one child. I stated to Ms. Harper that if my child was not responsible for any misbehavior in the classroom, as indicated on the day of the incident by Mrs. Bolivar, that at the very least someone owed my daughter an apology. Ms. Harper did not address the question directly and stated once again that she had talked with the adults and others regarding the incident and that no apology would be given since this was a non-issue. She went on further to say that there was a "transition" from one activity to another and that it was possible that the class did not like the second activity as much as the first. Throughout my conversation with Ms. Harper she was adamant that no disciplinary measures or punishment were employed on the day in question. I also asked Ms. Harper to explain the circumstances surrounding Dr. Hudgens' failure to meet certification requirements. Her explanation, or the lack of one, stated that the school was required to notify parents and that the issue was addressed by the memo that had been sent home the previous week. I was not satisfied with the results of this conversation and notified Ms. Harper that I would continue to explore the facts myself.

Following my conversation with Ms. Harper, I went to the Temple ISD website to look for a link to the Student Handbook and Code of Conduct. I could not initially find the link and as a result I called the Temple ISD Administration Offices for assistance. I explained to the person who answered the phone that I just needed a link on the website and was promptly referred to the office of Dr. John Hancock, Assistant Superintendent of Administration. I have had the opportunity to know Dr. Hancock since the early 1980's when he was my Principal at Bonham Middle School. I felt at ease having a conversation with Dr. Hancock and I began to explain the nature of my call. I initially explained that I needed to procure a copy of the Handbook and continued the conversation by explaining the incidents as they had taken place up to this point in time. After hearing the account, Dr. Hancock seemed surprised by what he was hearing about the teacher, a teacher he described as being a beloved member of the community and a teacher who has done nothing but great things. Dr. Hancock stated that he would call or meet with Ms. Harper

either that day or the next. Dr. Hancock asked if I could call back the following week, as he would be in Austin for a school related event for the remainder of the week. I informed Mr. Hancock that I would certainly call him the following week, but in the meantime I intended to explore the issue further.

On the morning of November 27, I requested and was granted a meeting with Ms. Harper. Upon my arrival at her office I proceeded to tell her how dissatisfied I was with her initial response and that I had intentions of continuing to pursue an explanation as to the actual facts of incident. I initially gave her a copy of Page 19 of the 2007-2008 Student Handbook and Code of Conduct, which reads as follows:

#### TEACHER QUALIFICATIONS:

You may request the following information, which we will provide to you in a timely manner:

1. Whether your child's teacher(s) have met state qualification and licensing criteria for their grade levels and subject areas.
2. Whether your child's teacher(s) are serving under emergency or other provisional status that is less than full state certification.
3. The bachelor's degree major of your child's teacher(s) and any graduate degrees held, and the field of certification or degree.
4. Whether your child receives services from paraprofessionals and, if so, their qualifications.

I requested the information that this passage would allow and told that I would have the information the following day. Ms. Harper agreed to leave the information in an envelope at the receptionist's desk. Ms. Harper indicated once again that she had already addressed the certification issue in her previous memo but that she would provide the other information listed regarding Teacher Qualifications. I also requested a copy of the School Directory and informed Ms. Harper of my intentions to call the other parents in an attempt to discover some clarification. I told Ms. Harper that I understood that children can embellish and I wanted to see if other parents might help validate or clarify the incident on November 09. Ms. Harper gave me a copy of the Directory and stated, "That's your prerogative." I explained to Ms. Harper that my child perceived this as punishment. I did as well. I declared to Ms. Harper that this was punishment pure and simple. At this point I asked if we could get Dr. Hudgens in this meeting. Ms. Harper responded that was not a possibility because Dr. Hudgens was not at the school, she was preparing for a 4th and 5th grade concert at the CAC. She also stated that she did not see that a meeting with the teacher was necessary due to the fact that this was a non-issue that had already been addressed. I left Ms. Harper's office without a valid explanation or clarification.

During the afternoon of November 27, I began making contact with other parents whose students were in Dr. Hudgens music class during the afternoon of November 09. When I

initially made contact I was surprised to find that many parents had not been made aware of the situation. I explained to each of the parents that I had been made aware of an incident in music class and that I was trying to establish what might have happened that day. Many of the parents I spoke with asked their children about issues in Dr. Hudgens music while I was on the line. These children immediately spoke up and described an incident that was strikingly consistent with the account given by my daughter. All of the children I heard described an incident in which a single student had been disruptive and as a result they were all made to do pushups. When asked how many pushups they had to do, the children had a variety of responses: hundreds, a thousand, ten thousand, a lot, etc... The common thread was that all of the children perceived this as a punishment, not as an activity. There is also some concern that the children were given a directive not to relate the incident to anyone. At least two children said they were told not to tell or they would get in more trouble. Of the thirty plus children in the music class, I had good contact information for 25 parents. Of those 25 I actually spoke with 21, either personally or on the phone. Of those parents I was able to speak with, 18 related the same account of the incident described by our daughter. After having the opportunity to speak with a number of parents, it seemed that the fair action would be to allow Dr. Hudgens to provide clarification by giving her account of the incident to a group of parents.

In addition to speaking with a number of parents, I also attempted to contact Mr. Timothy Lightfoot in an effort to get a firsthand account of what had happened in the class. I could not contact Mr. Lightfoot directly, however I was able to reach Mr. Lightfoot's father. I explained the reason I had for trying to reach Mr. Lightfoot. Mr. Lightfoot's father indicated that Mr. Lightfoot and Dr. Hudgens were very close and that he would try to get him to call me. I never received a call from Mr. Lightfoot.

On the morning of November 28, I went into the school after dropping off my children. I went to the office and told the receptionist that I needed to pick up some documentation that had been left for me by Ms. Harper. I was handed an envelope with my name on it. I asked if it would be possible to meet with Ms. Harper. I was told that she was in a meeting and would be available in 30 minutes. I asked that a message be left for Ms. Harper to call me once her meeting had concluded.

After waiting for almost 3 hours, I still had not received a call from Ms. Harper. I called the school and after a brief period on hold, Ms. Harper answered my call. She immediately apologized for not calling me back and stated that the reason she had not called was because she had not had an opportunity to meet with Dr. Hudgens. She indicated that due to the preparations for the choir concert the previous evening, Dr. Hudgens had not been available and was completely unaware of the situation. This statement was in direct conflict with the statement Ms. Harper made on November 26 where she described her inquiry of the "adults" that were involved. I am not sure which account is correct, however I am sure that one account is not. I remarked to Ms. Harper that I had reviewed the information that I had requested. The documentation only stated the levels of educational attainment of Dr. Hudgens, including her Doctorate in Early Childhood Development (year not specified) and music, and a description of Mr. Lightfoot as having about 3 years of college and vast experience in music. The

documentation did not specifically address item 1 from above regarding certification. The documentation did not address item 3 from above regarding whether the teacher(s) in question are serving under emergency or provisional status that is less than full state certification. Also absent from the documentation was any indication that either Dr. Hudgens or Mr. Lightfoot had any level of training or certification with respect to Kinesiology, Physical Fitness, Health, Sports Medicine, Childhood Growth and Development, etc...

I stated that based on the findings of my personal investigation I felt as if the issue of certification was only secondary. I made an attempt to relay the information I had received from other parents that supported the account given by my daughter. Ms. Harper still attempted to dismiss the incident and stated that I was the only parent that had expressed any concern. I countered with the number of parents I had spoken with that confirmed the incident. At this point, I requested that a group of parents be able to meet with herself and Dr. Hudgens. Ms. Harper responded by saying that based on the advice she was receiving from the Administration, she would only meet with parents on a one-on-one basis. She went on to define these terms as meaning a meeting with the parent, the teacher, additional staff from Kennedy-Powell and representatives from the Temple ISD. I did not perceive this as a one-on-one scenario but rather an attempt to intimidate the parents. I stated that I could not speak for the other parents but that I had no intention of walking into what I perceived to be an administrative ambush. I instead proposed to Ms. Harper that to help further her investigation I would be pulling my daughter out of Dr. Hudgens music class that afternoon and would bring her to Ms. Harper's office at 1:30 to give her own account of the incident. Ms. Harper responded, "Okay."

At just a few minutes before 1:30 p.m. on the afternoon of November 28, I arrived at the school to meet with Ms. Harper. Our daughter was promptly brought to the office where we waited for Ms. Harper. When Ms. Harper arrived we entered her office and I advised that it was my intent to allow my daughter to relate her account of the incident in question. From this point I allowed Ms. Harper to control the direction of the interview with my daughter. The interview conducted by Ms. Harper was very leading and a clear attempt to minimize the incident. Rather than allowing my daughter to give her account, she proceeded to inform my daughter of what had "actually" happened. She informed my daughter that it was not uncommon to do "movement activities" in music class. She made remarks that she had spoken with other children and described the scene that day as being a fun activity where some of the children did a few pushups (she actually said one or two), she indicated that some of the boys were making a contest out of the incident, and further described a scene in which a number of kids were still "cutting up", laughing and being loud. I was not pleased with the way Ms. Harper handled the interview and I was appalled that someone in her position would attempt to minimize the seriousness of the events that had taken place. My daughter was removed from the meeting. At this point I expressed my dissatisfaction to Ms. Harper. I explained to her that I felt there were three things that needed to occur to resolve the issue. First, I addressed accountability. I explained that I believed someone(s) from the school should acknowledge the incident and accept responsibility for what had happened. Secondly, I addressed the issue of how those who perpetrated this injustice should be disciplined. Not knowing the official

policy of the school on employee disciplinary actions, I told Ms. Harper I could not be specific on what type of disciplinary measure should be taken. The third item I addressed was reparation with the children involved. I certainly believe that any resolution that did not make the situation right with the children was unacceptable. Ms. Harper's official response as the Principal was as follows: "I guess we'll just have to agree to disagree." I informed Ms. Harper that she could disagree with me if she likes but that I had every intention of pursuing this until those who acted irresponsibly and had not made any attempt to protect the interests of the children would be looking for a job. I also suggested to the counselor (who at this point was having my daughter draw a picture of her family) that she should spend more time counseling her teachers, particularly those who create or allow these types of incidents to occur.

As I was leaving the office I encountered another parent who had pulled her child out of class for the same reason. The parent briefly described the attempts they had made to get the issue resolved. According to this parent, they had been met with the same indifference and had received varying accounts of what had happened on the day in question. After a brief visit with the parent I requested for my other children to be removed from class for the remainder of the day. While I was waiting I had a chance to speak with Mrs. Bolivar, my daughter's first grade teacher. I asked her if she was aware of any additional incidents when the yellow discipline was issued. She stated that she was unaware of anything. At the time I was having this conversation, I noticed that Ms. Harper was meeting outside the office with Dr. Hudgens and Mr. Lightfoot. I am quite certain that all three observed me talking with Mrs. Bolivar.

On November 29 I had the opportunity to speak over the phone with Mr. J.J. Villarreal, Assistant Superintendent of Curriculum and Instruction. I explained in great detail the issue that I was dealing with and asked Mr. Villarreal for his assistance. Mr. Villarreal offered to talk with Ms. Harper regarding the incident and indicated he would be willing to help by facilitating a meeting between Ms. Harper and myself. Mr. Villarreal called later in the day and offered the meeting with a tentative time of 10:00 a.m. the following morning, November 30.

Later in the day I received a phone call from another parent who had been given the opportunity to meet with Ms. Harper and Dr. Hudgens. I was alarmed by several of the outcomes of the meeting. The parent stated that he had asked several direct questions of both the principal and the teacher. During Ms. Harper's explanation of the events, she explained that numerous warnings and redirections had been issued, but failed to recognize the subsequent response by the teacher as a disciplinary measure. Ms. Harper simply referred to the incident as a transition from one activity to another. Dr. Hudgens contradicted the Principal when she remarked that it wasn't necessarily a transition, rather that the kids were misbehaving and she made them do pushups. According to the parent, Dr. Hudgens acknowledged that she was mad when she administered the punishment. The parent also indicated that the school denied that Mr. Lightfoot had any involvement in the incident. This is again contrary to the accounts of numerous children who described Mr. Lightfoot's supervision of the punishment while Dr. Hudgens remained in the closet. I also find it worth mentioning that Dr. Hudgens and Ms. Harper

may have been making attempts to discredit my efforts. According to the parent, remarks were made such as “I don’t know what Mr. Duckworth’s problem is. He has good kids.”

During the course of the week, I had placed a call to one of our Board Members, Ms. Mary Klentzman. I had the opportunity to relate my concerns to Ms. Klentzman who seemed sincere and supportive. On the evening of November 29, I also had the opportunity to speak with Mr. Jerry Pickle, School Board Vice-President. Mr. Pickle explained the process that would be required for the school board to take action and suggested that he had to remain unbiased because ultimately he would have to act on any such formal grievance.

On the morning of November 30, I called Mr. Villarreal to confirm our meeting. When Mr. Villarreal returned my call, he indicated that he had other obligations that would not allow him to keep our meeting. Mr. Villarreal offered what I believed to be a sincere apology for the cancellation. He also indicated that Ms. Harper would not be available either as she had other issues to deal with that took priority. I asked if the meeting would be rescheduled and was told that I should contact the Interim Superintendent, Dr. Dana Marable, if I required any additional meetings. I immediately called Dr. Marable’s office and requested a meeting. Dr. Marable’s assistant called me back shortly and scheduled a meeting for that afternoon.

When I arrived at the school administration offices, Dr. Hancock and Dr. Marable greeted me after a short wait. We had a brief conversation, unrelated to the incident, and shortly afterwards Dr. Marable and myself walked into the Superintendent’s office. I asked Dr. Marable if she had any knowledge of the reason for my visit. Her response indicated that she was not fully aware of all the details. I proceeded to tell her my daughter’s account of the incident and described the stonewalling that had occurred when I attempted to get a viable response from the school. During the course of the meeting, Dr. Marable showed the same lack of concern that had been represented by Ms. Harper. She stated that there wasn’t a problem, that the only parent who was making an issue out of this was I. In the course of this conversation she declared, “The only problem we have is you!” She went on to say that the issue had been handled and did not understand why I would continue to make such a big deal out of the matter. Dr. Marable stated that the teacher had already been talked with and that the conversation had been documented. At no time did Dr. Marable indicate that the teacher, the music assistant, or the principal had been reprimanded for their actions. Dr. Marable stated that what had happened that day was simply a “redirection” and that this type of “redirection” would not occur again. I did not receive an apology; I did not receive an explanation. Instead, I received commentary from Dr. Marable as to Dr. Hudgens emotional status at the time of the “redirection”. Dr. Marable proceeded to tell me how Dr. Hudgens had been under a great deal of stress due to her recent discovery of her lack of proper credentials. I informed Dr. Marable, that while I had every reason to believe that the teacher had done many great things in her years as a teacher, I could not find sympathy with her situation. While it may be true that Dr. Hudgens was having a bad day or under tremendous stress, that in no way excuses her or others involved for their misbehavior. Dr. Marable, who earlier had indicated that she only had a limited knowledge of the incident and subsequent events, stated that she



had been contacted regarding a meeting of parents that evening. I gave Dr. Marable a list of names from the student directory and confirmed that, well within our rights, a group of parents were meeting to discuss the issue. I have received no indication from any other parents that Dr. Marable took any proactive steps to further investigate the incident. Realizing that Dr. Marable had no intention of dealing with the issue head-on and that her only intention was to continue to cover up the incident, I politely excused myself.

On December 02, we had an opportunity to watch the activity video that had been started at the beginning of class on the day in question. Our daughter was able to watch the video independently of other children and parents. The video in question is divided into two twenty-minute segments. My daughter watched the video with instructions to point out where the video started and stopped on the day in question. My daughter watched almost the entire first segment before seeing the part where she recalled the video starting. The point she indicated was about 19 minutes into the first segment and showed an exercise movement that was consistent with the description she provided on November 09. The video was stopped before the last minute of segment one concluded. Our understanding is that the class block is 55 minutes long, with the first designated for music and the second half for P.E. If the sequence my daughter, along with other students, describes is correct, there were on the order of 20-25 minutes remaining in the class in which the children were required to do pushups.

On December 05, I spoke with Mr. Timothy Bickford, a Physical Therapist in San Angelo, who has a vast amount of experience working with school-age children in an athletic setting. I requested that Mr. Bickford give me his opinion regarding 6 and 7-year-old children participating in strength-training exercises like pushups. Mr. Bickford indicated that children at this age were not at a developmental level where this type of physical activity would be beneficial, quite to the contrary Mr. Bickford indicated that this type of training could be harmful at any age if not performed using proper technique and supervised by personnel with experience in the subject. Mr. Bickford indicated that at the age we were discussing, cardiovascular exercise would be more appropriate. When I discussed the actual events with Mr. Bickford he stated that at the very least the number of pushups and the time allotted for such an activity were excessive. I responded to Mr. Bickford that it was my opinion that this was excessive only if we allowed it in the first place. However, since our school district has a policy that does not allow corporal punishment, it was not only excessive but also unacceptable.

Late on the evening of December 07, I received a phone call from Dr. John Hancock. Dr. Hancock was returning a previous call I had made. Dr. Hancock asked for an update of the situation since I had spoken with him on November 26. I feel as if Dr. Hancock was very aware of what had transpired but I obliged and proceeded to tell him what had transpired up to this point. Dr. Hancock offered to meet with me the following day to discuss options for handling the incident.

On the afternoon of December 08, I met briefly with Dr. Hancock. Dr. Hancock explained the process for filing a formal grievance and provided me with the appropriate paperwork. Dr. Hancock indicated that he was aware of the informal attempts that had

been made to resolve the issue and would provide us with 15 days from the date of our meeting to file the formal grievance.

Later the same day, my daughter advised us of another situation involving the music class. According to our daughter, Dr. Hudgens had the student, who had initially been cited as the cause of the punishment, come to the front of the class. At this point she referred to the incident and asked the children “does everyone know whose fault it was?” Most of the children in the class pointed at the young lady standing front and center. Dr. Hudgens, rather than taking responsibility for her own actions and attempting to remedy the situation instead pointed back at the class and stated “It’s all your faults!”

I received a return phone call from Steve Wright, School Board President, on December 09. Mr. Wright had been out of town and called as soon as he received my message. I advised Mr. Wright of the incident and mismanagement of the incident from the school all the way to the Superintendent. Mr. Wright listened diligently to the details and suggested that I move forward with the grievance. Shortly after talking with Mr. Wright I received a call from another parent who had filed a report of the incident with Child Protective Services.

In addition to the persons mentioned above, I have also had the opportunity to visit with members of the media, community leaders, representatives of state and local government, attorneys, other members of the education establishment, and a number of parents. The responses from these contacts were unanimous – something must be done.

Discipline or abuse? Based on the emotional reaction of the teacher in this incident, I feel that we have no assurance that this type of incident will not occur in the future, nor do I believe that this is an isolated incident. Dr. Hudgens abused her authority and the rights of my child. School officials have a clear responsibility to protect our children while they are in their care. Not only has the school failed to protect our children, school officials from the Superintendent on down have made every attempt to deny, minimize, deflect, cover-up, and continue to perpetrate lies.

#### Violation of Corporal Discipline Policy

Temple ISD has established a clear policy that does not allow for corporal punishment. A section of the policy reads as follows:

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or otherwise physically disciplined for violations of the Student Code of Conduct.

Anyone who is unclear on the definitions of corporal punishment should review recent opinions offered by Attorney General Greg Abbott.

Our Code of Conduct spells out in detail what behavioral infractions merit various types

of punishments. Based on the Code of Conduct, the misbehavior was classified as a Minor Classroom Infraction. See the following excerpt from the Code of Conduct; relevant portions have been bolded and italicized:

#### Prohibited Conduct

A significant part of the district's educational mission is to inculcate the habits and manners of civility and to teach students the boundaries of socially appropriate behavior. In furtherance of this mission, students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school's jurisdiction as described in this Code of Conduct.

#### Minor (Classroom) Offenses

Including, but not limited to the following:

1. Excessive talking/noise (disruption)
2. Excessive horseplay (disruption)
3. Possessing or consuming food or beverages in the classroom
4. Possession/use of CD/DVD players, electronic video games, and radio/stereo headsets without teacher permission (See Note 1 Below)
5. Use of paging device or cellular telephone without permission (See Note 1 Below)
6. Inappropriate use of graphing calculator
7. Throwing, spitting, or launching inappropriate objects
8. Unprepared for class, to include missing textbook, course book(s), notebook, paper, and pen/pencil
9. Failure to complete and/or submit assignments
10. Failure to do class assigned work (off-task)
11. Use of non-instructional items during class
12. Disrespect towards other students
13. Selling of non-school approved items in classroom
14. Violation of computer acceptable use policies
15. Violation of student dress code or grooming standards (See Note 2 Below)
16. Tardy and/or unexcused absence from class
17. Violation of specific classroom or teacher rules
18. Failure to follow teacher or substitute directions
19. Violation of safety rules in classroom

NOTE 1: Items listed in numbered offenses 4 and 5 will be confiscated by the teacher and turned-in to the principal. Parents may collect the items at end of the school day on the (first offense) or the end of the semester if there is persistent non compliance.

NOTE 2: Violation of student dress code (Offense #15) will require an immediate correction by the student, or he/she will be sent to the principal.

#### Discipline Procedures

All district teachers will follow the below guidelines unless campus principal approval is granted for an exception.

1. First Offense – Verbal reprimand
2. Second Offense – Assign teacher detention (See Note 1)
3. Third Offense – Contact Parent and assign detention (See Note 2)

4. Fourth Offense – Submit discipline referral (See Note 3)

5. Administrators will follow the disciplinary procedures for moderate offenses

NOTE 1: Teachers will maintain student discipline documentation.

NOTE 2: Teachers may use other approved discipline management techniques in lieu of or in addition to detention. These are outlined elsewhere in the student code of conduct.

NOTE 3: Discipline referral will direct principal to schedule a parent, student, teacher, and principal conference, if necessary.

Based on the directives in the Code of Conduct, policy was clearly violated. Even the list of approved discipline techniques found elsewhere in the Code of Conduct do not give the teacher enough latitude to enforce the type of physical pain that our child was forced to endure.

The incident itself is a major cause of anguish but the improper handling of the situation by school officials has been comparable to the Enron scandal. We have been lied to at all levels and have yet to receive any viable explanation of the incident. Did the principal intentionally misrepresent the facts or was she just relaying the story she had been given by Dr. Hudgens and Mr. Lightfoot? Well, even if she were just relaying the story she had been given by “the adults involved,” she could’ve questioned their story and spoken (impartially) to parents of children involved, without trying to sway the children and their parents. Ms. Harper dismissed the incident in question as “a misunderstanding on your part.” She went on to explain that the school was attempting to meet a state mandate for required activity minutes and referred to the incident in question as a “movement activity.” This is clearly an attempt by Ms. Harper to deflect the seriousness of the incident. The response I received from the Interim Superintendent, Dr. Dana Marable is what I would expect from an administrator who has left her last two posts under a cloud of controversy. A parent I spoke with in the Marble Falls ISD suggested that she should be given the “Houdini Award”. This is clearly not the type of leadership that the school district needs. Our district needs leaders who will stand up for the rights of the students as well as the teachers, not leadership that attempts to sweep issues under the rug.

We seek the following remedies:

Dr. Cecilia Hudgens – Immediate termination of employment

Mr. Timothy Lightfoot – Immediate termination of employment

Ms. Melissa Harper – Immediate termination of employment

Dr. Dana Marable – Immediate termination of employment

A full written acknowledgement of the incident by both the Temple ISD School Board and Temple ISD Administration along with a complete apology to the parents and children who were affected. This acknowledgement and apology shall be given to each individual parent/child and published in the Temple Daily Telegram.

Respectfully submitted on December 17, 2007

Paul Duckworth, Father of Cassidy J. Duckworth

Alana Duckworth, Mother of Cassidy J. Duckworth